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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Equal Access and Interconnection) CC Docket No. 94-54
Obligations Pertaining to) RM-8012
Commercial Mobile Radio Services)

To: The Commission

**COMMENTS OF THE
DIAL PAGE, INC.**

Dial Page, Inc. ("Dial Page"), pursuant to Section 1.415 of the Federal Communications Commission's ("FCC" or the "Commission") Rules (47 C.F.R. § 1.415) and by counsel, respectfully submits its Comments in the above-captioned proceeding.¹ Dial Page recommends that the Commission not mandate equal access on any Commercial Mobile Radio Service ("CMRS"), including the non-Regional Bell Operating Company ("RBOC") cellular providers.

I. Introduction

Dial Page is a Delaware corporation which itself and through various subsidiaries provides Public Land Mobile Service ("PLMS"), Private Carrier Paging Service ("PCP"), and Specialized Mobile Radio ("SMR") Service throughout the southern United States. Dial Page, through Dial Call, Inc. and related subsidiaries, has recently made a substantial investment in SMR service and has announced plans to establish an enhanced SMR system ("ESMR") throughout the southern United States. The services which Dial Page and its subsidiaries provide are classified as CMRS. The imposition of equal access obligations on ESMR will have

¹ Notice of Proposed Rule Making and Notice of Inquiry, CC Docket No. 94-54 (adopted June 9, 1994 and released July 1, 1994) ("NPRM", "NOI" or "Notice").

an affect on Dial Page's proposed service plans. Therefore, Dial Page takes this opportunity to comment on the Commission's proposal regarding equal access obligations.

II. Comments

The Commission tentatively concluded in the Notice that it should apply the requirement of equal access to all cellular operators. As ESMR has been determined to be a similar service to cellular, the Commission also indicates that application of the equal access obligations on cellular operators may necessarily require such obligations to be imposed on ESMR providers.

Dial Page disagrees with the Commission's tentative conclusions and submits that equal access obligations should not be mandated for any CMRS provider. Equal access obligations were imposed initially because of the concerns about local exchange carriers ("LECs") treatment of the interexchange carriers ("IXC"). Equal access was imposed to prevent Regional Bell Operating Companies ("RBOCs") to provide an unfair advantage to AT&T in connection customers with long-distance service. In this situation the LECs were the IXC's only access to the wireline local exchange network.

With the number of mobile service providers in a market, i.e., cellular, SMR, 220 MHz, and public land mobile radio, the IXC have a number of accesses to the mobile end user. In addition, the Personal Communications Service ("PCS") will provide additional access for IXC's to mobile users. Furthermore, should the end user desire a specific IXC, this may be the determining factor of which wireless service such end user selects. Consequently, the same concerns which caused the imposition of equal access obligations on LECs (and RBOC-affiliated cellular licensees) is not present in the CMRS service. Dial Page believes that equal access will be ensured by the economics of the marketplace and should not be mandated by the Commission.

Should the Commission, however, mandate equal access obligations for all CMRS providers, Dial Page recommends that the Commission restrict the obligations which CMRS providers must meet in regards to equal access and delay the ultimate date by which equal access obligations must be met to permit ESMR operators to develop the necessary equipment to provide such access. Additionally, should the Commission decide to impose equal access obligations on CMRS providers, Dial Page urges the Commission to impose no equal access providers on the traditional, analog SMR providers.

The traditional, analog SMR operator would be unable to comply with the imposition of mandated equal access obligations. The interconnect equipment utilized by analog SMR operators was developed during the early 1980s. This equipment is "low-tech" and merely recognizes the digits dialed using a Type 1, PBX-type interconnection. Some systems do not have Direct Inward dialing ("DID") capabilities. These operators would be unable to procure interconnect equipment with an equal access capability because the manufacturers have shifted to the newer technologies. Even if equipment were available, the cost of integrating equal access capability would far exceed the benefits to the customers served by this SMR systems.

Typically, these SMR operators provide the interconnect capability as an ancillary service as a convenience to their dispatch customers. SMR equipment providing both dispatch and full duplex service is already more costly than a cellular handset. Any additional costs imposed to convert to equal access capability would make continued provision of interconnect cost-prohibitive. Further, most SMR operators with interconnect service have never had a request

from a customer for a specific IXC.²

The ESMR is a start-up system, with limited commercial systems in place. As a new entrant, additional costs and administrative burden may delay or defeat the initiation of the new systems. Additionally, Dial Page has negotiated with Motorola, Inc. to utilize the Motorola Integrated Radio System ("MIRS") technology to implement its ESMR in the Southeastern United States. Motorola, however, does not produce the switching platforms used for the interconnection with the Public Switched Telephone Network ("PSTN"). Currently, the switch must be purchased from Northern Telecom. The switches to be utilized with MIRS were developed using the European CCITT standard (GSM). This standard, when developed, did not require equal access ability. Development of software to permit equal access ability of a single IXC pick in the home market has begun. However, this will not be available until late 1995. This software does not provide the ability for equal access outside of the home market. The software being developed, however, would provide 1+ access to a preferred IXC.³ The cost of the switch hardware upgrade is estimated at \$130,000.00 per switch.

Dial Page notes that the Commission has proposed to change the North American Numbering Plan which would affect the developing software. Among other things, the Commission proposed to change the Feature Group D ("FGD") Carrier Identification Codes

² Certain of this interconnect equipment will permit customers to use long distance calling cards. Therefore, should a customer wish this access to its preferred IXC, the customer may do so.

³ Dial Page notes that the MIRS equipment does permit the end user to utilize personal long distance calling cards. Consequently, should the customer wish a preferred IXC, the customer has an alternate means of accessing such provider without the associated costs to the system operator to provide the equal access capability.

("CIC") from the present "10XXX" code totalling five digits to one of seven digits, in a "101XXXX" format. The Commission has acknowledged that the change in format will require new equipment and will mean a hardship on all providers of the equal access obligations. Consequently, the Commission has proposed a six year transition period to reduce the burden to the various providers.

Should the Commission impose an equal access obligation beyond the home market, ESMR will be unable to meet the standard and service to the public will be delayed. The hardships to the ESMR operators would significantly increase if newly-installed equipment must then be upgraded within its normal lifespan to meet new regulatory requirements. The costs incurred to meet these obligations would be ultimately imposed on the ESMR customers, and result in the ESMR provision of service being significantly less competitive. Dial Page, therefore, requests, should any equal access obligations be imposed on ESMR operators, that such obligations be delayed until after the transition period to expand the FGD CICs.

As set forth in the Notice, when the equal access obligations were imposed on the LECs, a phase-in period of several years was provided to allow the LECS to defray the conversions costs. The LECs have a much larger customer base to recover the cost of implementing the equal access obligations than does an ESMR operator. Therefore, a phase-in approach should also be provided to the ESMR to permit an orderly conversion as well as to obtain the financing necessary to modify equipment and software.

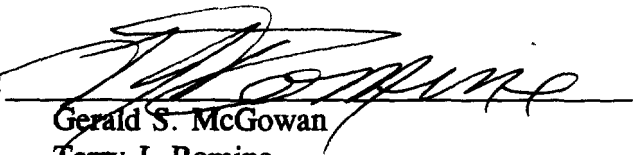
Finally, the Commission initiated an inquiry to, among other things, obtain comments as to whether LEC interconnection provided to CMRS operators should be tarified as opposed to the current system of good faith negotiations. Dial Page, as an ESMR provider, is concerned

that as a new entrant in CMRS, it may not have sufficient marketplace power to effectively negotiate with the LECs. This may result in the LEC not being responsive to the negotiations. Nevertheless, Dial Page believes that the imposition of tariffs may result in higher rates being charged to CMRS operators because of the administrative costs associated with such filing requirements. Further, tariffs may not provide sufficient flexibility to the ESMR operator to obtain the type of interconnection services necessary for a competitive ESMR. Dial Page, therefore, recommends that the Commission modify the current system of good faith negotiations to require that the contracts between the LECs and the CMRS operators to be filed with the Commission. This filing requirement will provide additional information to the new CMRS entrants of rates and terms to ensure that equitable treatment is provided to all CMRS operators. Dial Page also suggests that the Commission assume an ombudsman role to ensure such equitable treatment. Alternatively, the Commission may find it necessary to impose minimal filing requirements to ensure equitable treatment of CMRS providers.

For the reasons set forth above, Dial Page urges the Commission not mandate equal access obligations on any CMRS provider. Should such obligations be imposed, Dial Page submits that the full panoply of obligations not be imposed and such imposition be delayed for at least six years.

Respectfully submitted,

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